

HOUSE BILL 99

J1

2lr1159

By: **Delegate Kipke**

Introduced and read first time: January 19, 2012

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 29, 2012

CHAPTER _____

1 AN ACT concerning

2 ~~Health~~ Anne Arundel County – Semipermanent Food Service Facilities –
3 Regulations Requirements

4 FOR the purpose of ~~requiring the Department of Health and Mental Hygiene to adopt~~
5 ~~certain regulations~~ requiring the operator of a certain semipermanent food
6 service facility to ~~keep a certain record of~~ meet certain requirements regarding
7 wastewater disposal and ~~to use, under certain circumstances, a certain hose to~~
8 access to a potable water supply; providing for the application of this Act;
9 defining the term “semipermanent food service facility”; and generally relating
10 to ~~regulations~~ requirements regarding the operation of semipermanent food
11 service facilities in Anne Arundel County.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 21–301(a) and (h)
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2011 Supplement)

17 BY adding to
18 Article – Health – General
19 Section 21–301(j–2)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

22 ~~BY repealing and reenacting, with amendments,~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health – General
3 Section ~~21-304(a)~~ 21-312.2
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Health – General**

9 21-301.

10 (a) In this subtitle the following words have the meanings indicated.

11 (h) (1) “Food service facility” means:

12 (i) A place where food or drink is prepared for sale or service on
13 the premises or elsewhere; or

14 (ii) Any operation where food is served to or provided for the
15 public, with or without charge.

16 (2) “Food service facility” does not include:

17 (i) A kitchen in a private home where food is prepared at no
18 charge for guests in the home, for guests at a social gathering, or for service to
19 unemployed, homeless, or other disadvantaged populations;

20 (ii) A food preparation or serving area where only
21 nonpotentially hazardous food, as defined by the United States Food and Drug
22 Administration, is prepared or served only by an excluded organization; or

23 (iii) A location in a farmer’s market or at a public festival or
24 event where raw agricultural products, as defined in § 21-304(d)(1)(iii) of this subtitle,
25 are sold.

26 **(J-2) (1) “SEMIPERMANENT FOOD SERVICE FACILITY” MEANS A FOOD**
27 **SERVICE FACILITY THAT:**

28 **(I) IS BUILT AT A LOCATION OTHER THAN WHERE IT**
29 **OPERATES;**

30 **(II) IS TRANSPORTED AS A COMPLETE UNIT THAT DOES NOT**
31 **REQUIRE A BUILDING PERMIT TO INSTALL ON THE LOCATION AT WHICH IT**
32 **OPERATES;**

1 (III) HAS NO INDOOR SEATING FOR PATRONS; AND

2 (IV) WHEN SERVING COOKED FOOD, SERVES ONLY FOODS
3 COOKED FOR IMMEDIATE SERVICE.

4 (2) "SEMIPERMANENT FOOD SERVICE FACILITY" DOES NOT
5 INCLUDE A FOOD SERVICE FACILITY THAT IS A MECHANICALLY, ELECTRICALLY,
6 MANUALLY, OR OTHERWISE PROPELLED VEHICLE OPERATING ON LAND OR
7 WATER THAT MOVES AS PART OF ITS ROUTINE OPERATION TO:

8 (I) CHANGE LOCATION FOR SALES;

9 (II) OBTAIN FOOD AND OTHER SUPPLIES;

10 (III) FILL POTABLE WATER SUPPLY HOLDING TANKS;

11 (IV) EMPTY WASTEWATER HOLDING TANKS; OR

12 (V) PROVIDE FOR THE CLEANING AND SANITATION OF
13 EQUIPMENT AND UTENSILS.

14 ~~21-304.~~

15 (a) (1) ~~The Department shall adopt rules and regulations necessary to~~
16 ~~carry out the provisions of this subtitle.~~

17 (2) ~~For excluded organizations, the Department:~~

18 (i) ~~Shall adopt separate regulations that establish minimum~~
19 ~~standards that:~~

20 1. ~~Ensure food integrity and safety;~~

21 2. ~~Preserve public health; and~~

22 3. ~~Control foodborne illnesses; and~~

23 (ii) ~~May adopt separate regulations that establish a licensing~~
24 ~~system, with appropriate standards, that excluded organizations may voluntarily~~
25 ~~choose to submit to as a nonrescindable alternative to regulation under item (i) of this~~
26 ~~paragraph.~~

27 (3) ~~FOR SEMIPERMANENT FOOD SERVICE FACILITIES, THE~~
28 ~~DEPARTMENT SHALL ADOPT SEPARATE REGULATIONS THAT REQUIRE THE~~
29 ~~OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY TO:~~

~~(I) KEEP A RECORD OF THE TIME, PLACE, AND METHOD OF WASTEWATER DISPOSAL; AND~~

~~(II) USE A HOSE THAT IS APPROVED FOR FOOD SERVICE USE IF THE OPERATOR OF THE SEMIPERMANENT FOOD SERVICE FACILITY USES A HOSE TO ACCESS A POTABLE WATER SUPPLY.~~

21-312.2.

(A) THIS SECTION APPLIES TO A SEMIPERMANENT FOOD SERVICE FACILITY THAT:

(1) OPERATES IN ANNE ARUNDEL COUNTY;

(2) WAS LICENSED UNDER § 21-305 OF THIS SUBTITLE ON OR BEFORE DECEMBER 1, 2010; AND

(3) WAS NOT SOLD OR TRANSFERRED TO ANOTHER OPERATOR AFTER DECEMBER 1, 2010.

(B) AN OPERATOR OF A SEMIPERMANENT FOOD SERVICE FACILITY SHALL:

(1) PUMP OUT THE ONBOARD WASTEWATER HOLDING TANK AS FREQUENTLY AS REQUIRED BY ANNE ARUNDEL COUNTY TO AVOID CREATING A PUBLIC HEALTH NUISANCE;

(2) REMOVE WASTEWATER BY:

(I) HIRING A LICENSED LIQUID WASTE HAULER TO DISPOSE OF THE WASTEWATER; OR

(II) DISPOSING OF THE WASTEWATER AT A WASTEWATER DISPOSAL FACILITY APPROVED BY ANNE ARUNDEL COUNTY;

(3) SHALL USE A FOOD GRADE HOSE AND AN ADEQUATE BACKFLOW PREVENTION DEVICE TO MAINTAIN A POTABLE WATER SUPPLY; AND

(4) DEMONSTRATE COMPLIANCE WITH ITEMS (1) AND (2) OF THIS SUBSECTION BY QUARTERLY SUBMITTING A RECORD OF RECEIPTS TO THE ISSUER OF THE LICENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.